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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DCR MORTGAGE 1, LLC, a Delaware
Limited Liability Company,

Case No.: 2:16-CV-01787-GMN-NJK

Plaintiff.

vs.

GARY L. SYLVER, an individual, and DOES 1-10, inclusive.

Defendants.

STIPULATION AND [PROPOSED] ORDER TO DISMISS WITHOUT PREJUDICE

Plaintiff DCR Mortgage 1, LLC (“Plaintiff”), and Defendant Gary L. Sylver, by and through their respective counsel of record, hereby stipulate and agree as follows:

1. On December 20, 2017, the United States Bankruptcy Court for the District of Nevada entered an Order of Discharge in favor of Defendant, Case No. 17-15002-leb. (ECF No. 47).

2. Since that time, the parties disputed whether the bankruptcy case has been fully resolved with regard to Plaintiff's claim. (ECF Nos. 52 and 54).

3. At this time, based on Defendant's contentions that the discharge bars claims against him, Plaintiff has determined that it should refrain from further pursuing its claims in this case.

4. Therefore, the parties agree that all claims in this case should be dismissed, without prejudice, with each party to bear his/its own fees and costs.

Respectfully Submitted,

DATED: July 16, 2018

MICHELMAN & ROBINSON, LLP

DATED: July 16, 2018

DICKINSON WRIGHT, PLLC

By: /s/ Edward D. Vaisbort
EDWARD D. VAISBORT
Attorney for Plaintiff,
DCR MORTGAGE 1, LLC

By: /s/ John P. Desmond
JOHN P. DESMOND
Attorney for Plaintiff,
DCR MORTGAGE 1, LLC

DATED: July 16, 2018.

LAW OFFICES OF THOMAS R. PORT

By: /s/ Thomas R. Port
Thomas R. Port, Esq.
Attorney for Defendant,
GARY L. SYLVER

* * *

ORDER

IT IS HEREBY ORDERED that the Court's prior Order Granting the Stipulation of Dismissal, (ECF No. 57), is vacated in light of this Order.

IT IS FURTHER ORDERED that pursuant to the stipulation of the parties, the case is dismissed without prejudice. Each side to bear their own costs and fees.

Dated this 21 day of August, 2018.

Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT COURT

CERTIFICATE OF SERVICE

I certify that I am an employee of DICKINSON WRIGHT PLLC, and that on this date, pursuant to Fed. R. Civ. P. 5(b); I am serving a true and correct copy of the attached **STIPULATION AND [PROPOSED] ORDER TO DISMISS WITHOUT PREJUDICE** on the party listed below through the **United States District Court's CM/ECF filing system**:

Thomas R. Port, Esq.
2020 Pama Lane
Las Vegas, NV 89119

DATED this 16th day of July, 2018.

/s/ Cindy S. Grinstead
An employee of DICKINSON WRIGHT PLLC